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10/537,367

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Faycal Mehrez

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SUITE 1201

NEW HAVEN, CT 06510

EXAMINER

SILVER, DAVID

ART UNIT

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

| | | | |
|------------------------------|--------------------------------------|--------------------------------------|--|
| Office Action Summary | Application No. 10/537,367 | Applicant(s) MEHREZ ET AL. | |
| | Examiner DAVID SILVER | Art Unit 2128 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 June 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 9-16 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 9-16 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 02 June 2005 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

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DETAILED ACTION

1. Claims 9-16 are pending in Instant Application.

Information Disclosure Statement

2. No IDS submissions have been made to the Office. Firstly, it is be noted that the PCT search report associated with the Instant Application was not submitted to the Office for consideration along with the respective entries. Secondly, it appears PAM-STAMP, OPTRIS, and PAM-QUIKSTAMP (software designed by the Assignee of the Instant Application), some of which is depicted in the Drawings of the Instant Application could potentially be considered material to the patentability of the Instant Application. Said software appears to have been publicly disclosed at least as of February, 2001, as demonstrated by the documents cited in form PTO-892. Applicants are respectfully requested to provide the user manuals/guides and white papers of the above-mentioned software as it would have been in February 2001, and November 2001. *Applicants are respectfully reminded of their duty to disclose.* A 37 C.F.R. 1.105 Requirement for Information is not currently made.

Drawings

3. New corrected drawings in compliance with 37 CFR 1.121(d) are required in this application because certain features of Figure 3, and 4 illegible. For example, the title of the Application, the buttons, etc are difficult discern. Applicant is advised to employ the services of a competent patent draftsman outside the Office, as the U.S. Patent and Trademark Office no longer prepares new drawings. The corrected drawings are required in reply to the Office action to avoid abandonment of the application. The requirement for corrected drawings will not be held in abeyance.

Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

4. Claims 9-13 and 16 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.
 - 4.1 As per claim 9, the language is/are drawn to a process which is neither inherently implemented by a

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particular machine (it can be strictly comprised of mental steps) nor does the method particularly transform an article. Accordingly, the claims are drawn to non-eligible subject matter.

4.2 Claims 14 and 15 are deemed statutory because of their "displaying" aspect, which necessitates a displaying device.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:
The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claims 9-16 are rejected under 35 U.S.C. 112, second paragraph, as being **indefinite** for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

5.1 There is insufficient antecedent basis in the following claim(s) for the limitation(s) enumerated below:

5.1.1 Claim 9, lacks antecedent basis for " the prior steps of the method ", "the one hand", and "the other hand"

5.1.2 Claim 16 lacks antecedent basis for "the previously performed parameterizing of the supervision level ".

5.2 The term " a major extent " in claim 16 is a relative term which renders the claim indefinite. The term " major extent " is not defined by the claim, the specification does not provide a standard for ascertaining the requisite degree, and one of ordinary skill in the art would not be reasonably apprised of the scope of the invention.

6. The above cited rejections are merely exemplary.

7. The Applicant(s) are respectfully requested to correct all similar errors.

8. Claims not specifically mentioned are rejected by virtue of their dependency.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

- (a) the invention was known or used by others in this country, or patented or described in a printed publication in

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this or a foreign country, before the invention thereof by the applicant for a patent.

- (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.
- (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

9. Claims 9-16 are rejected under 35 U.S.C. 102(e) as being anticipated by Karafillis (**US 6,353,768**).

Karafillis discloses: 9. A method for the numerical simulation of a pressing process comprising the steps consisting of:

recording at least one meta-model consisting of a permanent collection of numerical representations of elementary constituents of pressing tools, each of the elementary constituents being defined in the form of finite elements, and comprising numerical static attributes (**col: 5 line: 55-60**),

recording a numerical model of deformation of a blank used in the process to be simulated (**col: 4 line: 8-13; col: 7 line: 23-30**),

selecting a subset of the permanent collection, for temporary recording of elementary constituents representing a particular pressing tool corresponding to a simulation in question,

the subset constituting a specific collection in the form of digitized finite elements (**col: 5 line: 55-60**),

parameterizing the digitized finite elements of the specific collection, as well as the corresponding attributes according to characteristics of the process to be simulated (**col: 2 line: 15-22**),

recording numerical information representing relative movements of components of the specific collection, according to operating cycles of the pressing process to be simulated (**col: 3 line: 33-36**),

recalculating numerical models of deformation of the blank according to numerical information recorded on the one hand in the parameterized specific collection, the numerical model of the blank, and specific movements on the other hand (**col: 3 line: 33-42**), and

generating a numerical or visual representation of the deformations of the blank by the application of the recalculated numerical model (**col: 7 line: 23-30**).

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Karafillis discloses: 10. A simulation method according to claim 9, wherein the selecting step comprises modifying the state of the elementary constituents that are not pertinent with regard to the selected constituents **(col: 3 line: 33-42)**.

Karafillis discloses: 11. A simulation method according to claim 9, further comprising a step of loading, from an external information medium, at least part of the collection parameterizing information **(col: 2 line: 15-22)**.

Karafillis discloses: 12. A simulation method according to claim 9, further comprising a step of loading, from an external information medium, the model of the blank **(col: 2 line: 15-22)**.

Karafillis discloses: 13. A simulation method according to claim 9, further comprising a step of loading, from an external information medium, the numerical representation of the subset **(col: 2 line: 15-22)**.

Karafillis discloses: 14. A simulation method according to claim 9, wherein the step of forming the specific collection further comprises displaying a graphical interface and recording information captured from the graphical interface **(Fig 2 item 216/218; col: 3 line: 24-26)**.

Karafillis discloses: 15. A simulation method according to claim 14, wherein the step of displaying a graphical interface comprises personalizing a prerecorded interface, wherein said personalization at least partly takes account of the information coming from the prior steps of the method.

Karafillis discloses: 16. A simulation method according to claim 9, further comprising defining several levels of use, with one of the levels of use, supervision, requiring a common generic parameterizing defining to a major extent the pressing method concerned and the other, basic, levels of use, basic, requiring no more than partial parameterizing, complementary and specific, benefiting from the previously performed parameterizing of the supervision level **(col: 2 line: 15-22; the different levels being the others that can, but do not modify the parameters, and the users that do modify the parameters)**.

Conclusion

10. All claims are rejected.

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to David Silver whose telephone number is (571) 272-8634. The examiner can normally be reached on Monday thru Friday, 10am to 6:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kamini Shah can be reached on 571-272-2279. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/David Silver/
Examiner, Art Unit 2128